

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAHSEN ABOUL,

Plaintiff,

-v-

AMERITANIA 54th ASSOCIATES, LLC,

Defendant.
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ORDER

19-CV-9986 (RA) (JLC)

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LAHSEN ABOUL,

Plaintiff,

-v-

AMSTERDAM HOSPITALITY,

Defendant.
-----X

19-CV-9987 (RA) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Pro se Plaintiff Lahsen Aboul has moved for appointment of counsel in each of the above-captioned cases by motions filed on August 12, 2020. Dkt. Nos. 23 & 26. Plaintiff provided the following reasons in support of his requests: (1) he is unemployed due to the coronavirus pandemic and therefore cannot afford an attorney; and (2) it has been difficult for him to find an attorney who will handle his discrimination cases. Dkt. No. 23 at 1; Dkt. No. 26 at 1.

The Court does not have a budget to pay appointed counsel in civil cases and has no power to enlist a lawyer to serve without pay. The Court must be mindful that volunteer attorney time is a precious commodity, and “courts should not grant

such applications [for appointment of counsel] indiscriminately.” *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989). For the Court to order the appointment of counsel, a petitioner must make “a threshold showing of some likelihood of merit.” *Johnston v. Maha*, 606 F.3d 39, 41 (2d Cir. 2010) (citing *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 174 (2d Cir. 1989)); *Carmona v. U.S. Bureau of Prisons*, 243 F.3d 629, 632 (2d Cir. 2001). Only then can the Court consider the other factors appropriate to the determination of whether counsel should be appointed: “the [petitioner’s] ability to investigate the crucial facts, . . . , the [petitioner’s] ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.” *Johnston*, 606 F.3d at 42 (citing *Hodge v. Police Officers*, 802 F.2d 58, 60-61 (2d Cir. 1986)).

At this point in the proceedings, the Court denies Plaintiff’s application for appointment of counsel without prejudice to renewal because the Court cannot conclude based on the current record that Plaintiff’s claims are substantial or that he is likely to succeed on the merits. Indeed, these cases are still in their infancy as there has been no motion practice or any discovery to date. Accordingly, Plaintiff should work with the Pro Se Office of the Court for any additional help that he needs, and should also continue to seek to obtain private counsel. The Pro Se Office may be contacted at: 212-805-0175.

Additionally, the Court wishes to inform Plaintiff of a useful independent resource that provides legal advice and assistance to parties in civil cases who do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court (and, among other things, therefore cannot accept filings on behalf of the Court, which must still be made by any unrepresented party through the Pro Se Intake Unit). Due to the COVID-19 pandemic, the Clinic has temporarily suspended all in-person meetings, but will continue to provide limited scope assistance by appointment over the phone. Plaintiff is encouraged to call 212-659-6190 to schedule an appointment.

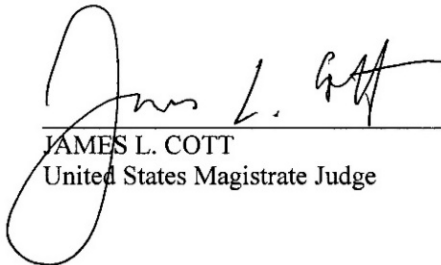
Finally, Plaintiff is directed to stop emailing Chambers with his submissions; instead, he should file them directly on the Court's electronic case filing system (ECF). If he needs assistance in doing so, he should seek help from the resources discussed above and the Court website.

The Clerk is respectfully directed to close docket entry numbers 23 and 26, and mark them as denied without prejudice.

SO ORDERED.

Dated: August 12, 2020
New York, New York

**A copy of this Order has been
mailed and emailed to:**
Lahsen Aboul
846 Bay Ridge Avenue, 1F
Brooklyn, NY 11220
Lahsenaboul22@gmail.com



JAMES L. COTT
United States Magistrate Judge